



Dkt. 0575-56330-A/JPW/PJP

Application of : Judah Z. Weinberger

Serial No. : 09/803,773

Date Filed : March 12, 2001

For : METHOD AND APPARATUS FOR TREATING A DISEASE  
PROCESS IN A LUMINAL STRUCTURE

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APR 16 2003

TECHNOLOGY CENTER R3700

1185 Avenue of the Americas  
New York, N.Y. 10036  
April 7, 2003

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

**TERMINAL DISCLAIMER**

Petitioner, The Trustees of Columbia University in the City of New York, is the owner of all interest in the instant application. Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the application which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on U.S. Patent No. 6,200,256 and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent be the same as the legal title to the above referenced patent, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns.

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In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of the above-referenced patent in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, if found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.1321, has all claims canceled by a reexamination certificate, is reissued, or is otherwise terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer filed prior to the grant of the patent.

The undersigned has reviewed all the documents in the chain of title of the present patent application and U.S. Patent No. 6,200,256 and, to the best of the undersigned's knowledge and belief, title to both are in The Trustees of Columbia University in the City of New York. Both the present application and the application for U.S. Patent No. 6,200,256, have been assigned to the Trustees of Columbia University in the City of New York, by the Assignments attached hereto as Exhibits 1 and 2, respectively. The Assignment of Exhibit 1 for the present application was recorded in the U.S. Patent and Trademark Office on September 4, 2001 at Reel 012140, Frame 0392, and the Assignment for the application for U.S. Patent No. 6,200,256 was recorded in the U.S. Patent and Trademark Office on June 11, 1999 at Reel 010020, Frame 0668.

The undersigned (whose title is supplied below) is empowered to execute this Terminal Disclaimer on behalf of the assignee.

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Submitted by,

DATE: 4/7/03

NAME: Scot G. Hamilton, Esq.

TITLE: Senior Director,

Columbia Innovation Enterprise

SIGNATURE: Scot G. Hamilton